

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ANDREW BOOK,)	
)	
Plaintiff)	
)	
v.)	C.A. No. 08-83 Erie
)	
BOB MERSKI, et. al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

This matter has been referred to United States Magistrate Judge Susan Paradise Baxter in accordance with the Magistrates Act, 28 U.S.C. §§636(b)(1)(A) and (B), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's report and recommendation, filed on February 23, 2009, recommended that Defendants Bob Merski and Deputy Sheriffs One and Two Motion to Dismiss (Doc. 10) be granted. The parties were permitted to file objections to the magistrate judge's report and recommendation by March 12, 2009. Service was made on all parties. No objections were filed. After de novo review of the Complaint (Doc. 3), Defendants' Motion to Dismiss (Doc. 10) and Brief in Support (Doc. 11) and Plaintiff's response thereto (Doc. 13), the following order is entered.

AND NOW, this 30th day of March, 2009, it is HEREBY ORDERED, ADJUDGED AND DECREED that Defendants' Motion to Dismiss (Doc. 10) is GRANTED.

The report and recommendation of Magistrate Judge Baxter, filed on February 23, 2009 (Doc. 25) is adopted as the Opinion of the Court.

Maurice B. Cohill, Jr.
MAURICE B. COHILL, JR.
United States District Judge

cc: Susan Paradise Baxter
U.S. Magistrate Judge

all parties of record _____